

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OHIO CASUALTY INSURANCE CO.,

Plaintiff,

vs.

**MADISON COUNTY, ILLINOIS, an Illinois municipal
corporation, JOSEPH D. PARENTE, and**

Defendants,

O'BRYAN CONSULTING, INC.,

Defendant/Third-Party Plaintiff,

vs.

ESSEX INSURANCE COMPANY,

Third-Party Defendant/Counter-Plaintiff,

vs.

**MADISON COUNTY, ILLINOIS, an Illinois
municipal corporation, JOSEPH D. PARENTE,
and O'BRYAN CONSULTING, INC.,**

Counter-Defendants.

No. 03-CV-00350-DRH

ORDER

HERNDON, District Judge:

Given O'Bryan has not filed a response¹, the Court **GRANTS** Ohio Casualty Insurance Company's Motion to Voluntarily Dismiss Count II of its Third Amended Complaint for Declaratory Judgment (**Doc. 119**) and **DISMISSES** Count II with prejudice and without costs.

In addition, because all substantive counts between Ohio Casualty and O'Bryan Consulting, Inc., have been resolved, the Court **DENIES as moot** Plaintiff's Motion to Strike O'Bryan Consulting, Inc.'s Amended First Affirmative Defense (**Doc. 68**).

Finally, the Court **GRANTS** Plaintiff's Motion for Entry of Judgment (**Doc. 123**) and **DIRECTS** the Clerk to enter Judgment in this case.

IT IS SO ORDERED.

Signed this 8th day of June, 2005.

/s/ David RHerndon

United States District Judge

¹**LOCAL RULE 7.1(c)** provides, in pertinent part, "[a]n adverse party shall have **thirty (30) days** after the service (*see* FED. R. CIV. P. 6) of the movant's motion in which to serve and file an answering brief. Failure to timely file an answering brief to a motion may, in the court's discretion, be considered an admission of the merits of the motion." **S.D. ILL. LOCAL RULE 7.1(c)**.